

TOWN OF MIAMI LAKES, FLORIDA

Town Council

Mayor Wayne Slaton

Vice Mayor Mary Collins

Councilmember Roberto Alonso

Councilmember Robert Meador

Councilmember Michael Pizzi

Councilmember Richard Pulido

Councilmember Nancy Simon

AGENDA **REGULAR COUNCIL MEETING** **November 14, 2006** **7:00 p.m.**

Miami Lakes Middle School

6425 Miami Lakeway North

Miami Lakes, Florida 33014

1. **CALL TO ORDER:** The Mayor called the meeting to order at 7:05 p.m.
2. **ROLL CALL:** In addition to Mayor Slaton the following members were present: Vice Mayor Mary Collins, Councilmember Robert Meador, Councilmember Roberto Alonso, Councilmember Richard Pulido, Councilmember Nancy Simon, and Councilmember Michael Pizzi.
3. **INVOCATION/MOMENT OF SILENCE:** Mayor Slaton asked for a moment of silence.
4. **PLEDGE OF ALLEGIANCE:** Mayor Slaton led the pledge.
5. **ORDER OF BUSINESS (DEFERRALS/ADDITONS/DELETIONS):** Town Manager, Alex Rey requested to defer item 7J to next month. Councilmember Pizzi asked to defer item 14C to the December meeting. Councilman Pulido asked to make a comment on item 7A prior to a vote.

Vice Mayor Collins moved to approve the amended agenda. Councilmember Roberto Alonso seconded the motion. The Mayor called for the vote and all were in favor.

Mayor Slaton explained the new seating pattern on the dias. He explained the reason for the seating and read the previously distributed memo from him to the Councilmembers into the record.

Councilmember Simon made a motion to appeal the ruling of the chair and it was seconded by Councilmember Alonso. Councilmember Simon stated her objection to assigned seating. After further discussion, the motion and second were withdrawn.

Councilmember Simon made a motion to approve the seating and it was seconded by Vice Mayor Collins. The Mayor called for the vote and all were in favor.

6. **SPECIAL PRESENTATIONS:** Mayor Slaton presented certificates in recognition to Felicia Salazar and Russ Geyer for their work in producing the Earth Day brochure. Creation of the brochure won a 2006 media award.
7. **CONSENT AGENDA:** A motion was made by Vice Mayor Collins to approve the consent agenda as amended. It was seconded by Councilmember Alonso. The Mayor called for the vote and all were in favor.

A. APPROVAL OF MINUTES:

**June 13, 2006 Regular Council Meeting
July 11, 2006 Regular Council Meeting
September 12, 2006 Regular Council Meeting**

Councilmember Pulido stated that he did not participate in the meetings because he was not yet a Councilmember. He clarified that his vote in approval of the minutes would be based on meeting procedure and would not be based on the content of the meeting. A motion was made by Councilmember Pulido for approval of the minutes. There was a second from Vice Mayor Mary Collins. The Mayor called for a vote and all were in favor.

- B. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE REVISED CONSULTANT'S BILLING RATE BETWEEN KIMLEY-HORN AND ASSOCIATES, INC. AND THE TOWN OF MIAMI LAKES FOR ENGINEERING SERVICES. (Rey)**

Approved on consent.

- C. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE AGREEMENT BETWEEN HORIZON CONTRACTORS, INC. AND THE TOWN OF MIAMI LAKES TO CONSTRUCT AND INSTALL N.W. 82ND AVENUE ROADWAY AND DRAINAGE IMPROVEMENTS. (Rey)**

Approved on consent.

- D. A RESOLUTION OF THE TOWN COUNCIL APPROVING THE SECOND AMENDMENT TO THE AGREEMENT FOR STREET SWEEPING SERVICES BETWEEN U.S. GROUNDS, INC. AND THE TOWN OF MIAMI LAKES. (Rey)**

Approved on consent.

- E. A RESOLUTION OF THE TOWN COUNCIL ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AS THE BASIS FOR ALL INCIDENT MANAGEMENT IN THE TOWN OF MIAMI LAKES. (Rey)**

Approved on consent.

- F. A RESOLUTION OF THE TOWN COUNCIL; ACCEPTING THE REQUEST OF BEN-EZRA & KRATZ, P.A. ATTORNEYS FOR THE U.S.**

**DEPARTMENT OF JUSTICE, UNITED STATES MARSHALS SERVICE TO
REDUCE A PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR
CASE NO. C2005-0997. (Rey)**

Approved on consent.

- G. A RESOLUTION OF THE TOWN COUNCIL; ACCEPTING THE REQUEST
OF MAURICE F. LEMOINE AND ISAURA LEMOINE TO REDUCE A
PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO.
C2005-1046. (Rey)**

Approved on consent.

- H. A RESOLUTION OF THE TOWN COUNCIL; ACCEPTING THE REQUEST
OF NELSON CASTILLO TO REDUCE A PREVIOUSLY ASSESSED CODE
COMPLIANCE FINE FOR CASE NO. C2004-1173. (Rey)**

Approved on consent.

- I. A RESOLUTION OF THE TOWN COUNCIL; ACCEPTING THE REQUEST
OF EWE WAREHOUSE INVESTMENTS VIII, LTD. TO REDUCE A
PREVIOUSLY ASSESSED CODE COMPLIANCE FINE FOR CASE NO.
C2005-1552. (Rey)**

Approved on consent.

- J. A RESOLUTION OF THE TOWN COUNCIL APPROVING AN EXTENSION
TO THE TERM OF THE AGREEMENT FOR MAINTENANCE OF POCKET
PARKS AND TOT LOTS BETWEEN TROPICS NORTH LANDSCAPING, INC.
AND THE TOWN OF MIAMI LAKES. (Rey)**

Deferred to December Meeting

8. PUBLIC COMMENTS:

James McGrath inquired if the Council was aware of any plans for the expansion Opa-Locka Airport or of Southwest Airlines establishing a hub there. Mr. McGrath stated he would oppose the expansion and the establishment of a hub for Southwest Airlines.

Alan Rigerman informed the Council of the death of Lowell Dunn. Mr. Rigerman suggested changing the start of the school zone speed limit, for the portion of Miami Lakeway in front of Miami Lakes Middle, from 8:30am to 8:00am. Mr. Rigerman stated his concern for pedestrians.

David Bennett spoke about plans for a Southwest Airline Hub at Opa-Locka Airport. Dr. Bennett read a ruling of the Oregon Supreme Court concerning aircraft noise nuisance. He spoke in favor of annexation.

Nelson Duque spoke regarding the issue of realtors not being allowed to place open house signs in any right of way in the Town of Miami Lakes.

James McGrath informed the Council that the Town of Miami Lakes website has the wrong address for Miami Lakes Middle School.

Councilmember Michael Pizzi informed the attendees that they were open to speak on any item on the agenda and that it was not necessary to wait until later in the meeting.

Julio Pumariiega asked Council to support the opening of 87th Avenue.

Luis Sanchez spoke in favor of opening 87th Avenue to 154th Street.

Kathleen Fleming spoke in favor of opening 87th Avenue.

Jerome Schneider spoke in favor of opening 87th Avenue.

Ladd Howe spoke in favor of opening 87th Avenue.

Lourdes Aguirre spoke in favor of opening 87th Avenue. Ms. Aguirre encouraged her neighbors to lobby for a park on the land and that not all of it be used for development.

Councilmember Roberto Alonso asked if there was a proposal on the table. Mayor Wayne Slaton answered in the negative.

A gentleman jumped to his feet and declared that he had a proposal.

Judy Taper encouraged the Council to stay open to negotiation with the Dunn family regarding 87th Avenue.

Attorney Toby Prince Brigham stated that he represents the Dunn family. He explained that he was presenting a proposal that would open 87th Avenue. Mr. Brigham gave further details.

Pedro Carballo discussed the history of the 87th Avenue issue.

Vice Mayor Mary Collins asked Town Manager Alex Rey if he was aware of this proposal. The Town Manager clarified that he was aware that they had a proposal in mind and that he had sent the Council and email regarding the matter. He stated that he was unaware that they would be bringing a proposal to the current meeting.

9. COMMITTEE REPORTS:

Economic Development Committee

Chairman Carol Wylie delivered a committee report. Committee Chair Wylie presented the Council a draft of the dining guide for the Town of Miami Lakes. Councilmember Richard Pulido thanked Carol Wylie for the report and presentation. Pulido asked if the Committee would review real estate “open house” signs. Vice Mayor Mary Collins reiterated Councilmember Pulido’s inquiry and thanked Wylie for the report. Councilmember Nancy Simon also expressed gratitude and suggested that the dining guide be posted on the web. Councilmember Robert Meador inquired about the money budgeted for the business corporate networking function. Vice Mayor Mary Collins thanked Officer Juan Rodriguez and Committee and Special Events Coordinator Katya Lysak for organizing the Halloween party and bike rodeo.

10. ORDINANCES – FIRST READING:

11. PUBLIC HEARINGS/ORDINANCES – SECOND READING:

12. RESOLUTIONS:

A RESOLUTION OF THE TOWN COUNCIL AMENDING RESOLUTION 04-229 RELATED TO THE ELDERLY AFFAIRS COMMITTEE; PROVIDING FOR TERMS AND CONDITIONS; PROVIDING FOR DUTIES; PROVIDING FOR MEETING REQUIREMENTS; PROVIDING FOR SUNSET REVIEW. (Collins)

Town Attorney Nina Boniske read the title of the resolution into the record. Vice Mayor Mary Collins explained the revision of the original resolution. Vice Mayor Collins made a motion to adopt the resolution with revisions. There was a second from Councilmember Nancy Simon.

Councilmember Robert Meador asked about the quorum of the Elderly Affairs Committee. He expressed concern about member attendance and stated that the Committee should have a quorum.

Vice Mayor Collins explained the current meeting requirements. Councilmember Meador explained that under the current proposed quorum only five members would need to be present to conduct a meeting.

Councilmember Michael Pizzi stated that a quorum can raise difficulties. He expressed support for the proposal with the stipulation that a minimum number of members for the meetings be met and that all members of the committee be given equal notice of meetings.

Councilmember Roberto Alonso stated that having a quorum is important.

Councilmember Richard Pulido explained the committee rules. Pulido clarified that members that do not show up regularly will be automatically removed from the committee.

Vice Mayor Collins expressed support for an amicable amendment. Mayor Wayne Slaton concurred that the proposed quorum of 25% is too low.

Councilmember Meador suggested that the motion be amended providing for a quorum of 40%. Vice Mayor Collins expressed approval of the amendment. Town Manager Alex Rey clarified that a quorum of 40% would be nine people.

Councilmember Robert Meador moved to accept the motion as amended. The Mayor called for a vote and all were in favor.

The Mayor called for a brief recess at 8:18 p.m. At 8:28 the Mayor called the meeting to order with the following Councilmembers in attendance: Roberto Alonso, Robert

Meador, Michael Pizzi, Richard Pulido, Vice Mayor Mary Collins and Mayor Slaton. Councilmember Nancy Simon was not in attendance.

13. REPORTS:

A. MAYOR'S REPORTS:

Mayor Wayne Slaton proposed the following appointments:

Barbara Dernaza, Cultural Affairs Committee

Dorothy Cook, Cultural Affairs Committee

Peter Diaz, Cultural Affairs Committee

George Maklouf, Cultural Affairs Committee

Vice Mayor Mary Collins made a motion for the acceptance of the appointments. There was a second from Councilmember Roberto Alonso. The Mayor called for a vote, all were in favor.

Mayor Wayne Slaton commended Miami Lakes Schools for their projects for Red Ribbon Week. He encouraged the Council to actively participate in voluntary drug screenings. The Council unanimously expressed support and agreed to participate. Councilmember Richard Pulido applauded the Mayor for setting an example. Town Manager Alex Rey stated that the staff will contact the Council to arrange a time and date for the drug screenings.

B. MANAGER'S REPORTS:

C. COUNCILMEMBERS REPORTS:

1. Police Issues (Alonso)

Councilmember Roberto Alonso briefly discussed outstanding police issues and requested the position of other Councilmembers.

Councilmember Michael Pizzi stated that the item was procedurally out of order. He explained that it should have been included in new business rather than in Councilmember reports and should have been accompanied by a detailed memo. Councilmember Alonso explained that there were not any new items in the report and that the issues remain unresolved.

Councilmember Pizzi suggested that a workshop be scheduled to discuss the issues.

Councilmember Meador expressed willingness to discuss police involvement in code enforcement. Councilmember Meador read a letter from Mr. and Mrs. Reinhart into the record. The letter concerned lack of community policing at night and a car stolen from their garage. Meador stated that the Reinhart's car was retrieved. He commended the police force on follow up action in the neighborhood. Councilmember Meador expressed support for a workshop.

Councilmember Pulido expressed that he is new to the Council and is uncomfortable having the police be involved in code enforcement. Mayor Wayne Slaton spoke about the development of the police contract.

For further clarification, Councilmember Roberto Alonso explained the contract language related to emergencies. Councilmember Alonso made a motion that a workshop to discuss the police issues be scheduled before the holidays. There was a second from Councilmember Michael Pizzi.

Major Frank Bocanegra presented Town of Miami Lakes Police uniform and summer uniform options. Vice Mayor Mary Collins asked about the blue uniform.

Councilmember Roberto Alonso requested that a vote on the uniforms be deferred until after the workshop.

Mayor Slaton called for the vote and all were in favor.

2. Overcrowding at Schools (Pulido)

Miriam Mendoza spoke about the overcrowding of classrooms at Miami Lakes Elementary. Mrs. Mendoza discussed the construction and traffic surrounding the school and drop off areas.

Councilmember Richard Pulido stated that the item was put on the agenda in response to a comprehensive initiative undertaken by the Education Advisory Board in September 2005 at the request of Mayor Slaton. The task of the initiative was to examine the overcrowding of Miami Lakes Schools, with emphasis on the substantial number of students living outside the Miami Lakes boundaries.

Mayor Wayne Slaton explained the history of the issue. Mayor Slaton requested Councilmember Pulido continue to research the issue of overcrowding and to bring information back to the Council.

Vice Mayor Collins inquired if the Town of Miami Lakes has enough representation on the boundaries committee. Councilmember Richard Pulido stated that he is the Vice Chair of the boundaries committee. Pulido clarified that the main focus of the committee is to set the boundaries, not to enforce them.

Councilmember Richard Pulido expressed that it is important to take a more aggressive approach, similar to other municipalities, and actively verify addresses and limit the number of student transfers.

Mayor Wayne Slaton requested that Councilmember Pulido bring back examples of specific solutions to the issue. He also asked Pulido to bring a resolution that can be adopted to the next Council meeting.

Councilmember Robert Meador spoke regarding the information Councilmember Pulido had delivered, in the past, to the Council listing the number of students out

of the boundaries. He asked whether those numbers were still accurate. Meador stated that the Council needs to know how exemptions are defined by the school board.

D. ATTORNEY'S REPORTS:

14. NEW BUSINESS:

A. 87th Avenue (Pizzi)

Councilmember Michael Pizzi expressed condolences to the Dunn family on the loss of Lowell Dunn. He stated that are three options concerning 87th Avenue, those being: eminent domain, negotiate with the developer and make a plan, or take no action.

Town Manager Alex Rey stated that a considerable amount of time and effort would be necessary to develop an agreement. The Town Manager asked the Council whether they wanted to pursue an agreement.

Councilmember Michael Pizzi clarified that a vote will only mean that a proposal will come back to the Council. Councilmember Pizzi stipulated that any proposal that was brought to the Council would have to include 87th Avenue being opened up quickly and at no cost to the taxpayers, and that land be set aside for a youth and senior center.

Councilmember Pizzi made a motion to have the Town Manager examine any proposal submitted, have a meeting with the developer and bring the results of the negotiations to the next Council Meeting. There was a second from Vice Mayor Mary Collins. Town Manager Alex Rey stated that a deadline for negotiations may be a disadvantage. Councilmember Pizzi accepted the Town Manager's statement.

Councilmember Roberto Alonso explained that under the last agreement the developer had nine years to complete the project. He expressed opposition to this happening again. Councilmember Alonso spoke in favor of a time limit for the project.

Councilmember Robert Meador explained that an agreement would require a great amount of time and expense from both parties. Councilmember Meador delivered an overview of the history of the 87th Avenue negotiations. He asked if a closed session with the Council and Town Manager could be held before agreeing to proceed with negotiations. Town Attorney Nina Boniske stated that private sessions cannot be held unless in litigation. She explained that individual briefings are acceptable. Councilmember Meador suggested briefings before beginning negotiations.

Mayor Wayne Slaton requested the manager determine the pros and cons of suggestions presented by individual Council members and the developer.

Councilmember Michael Pizzi agreed that limits not be put on the Town Manager and restated his motion to have the Town Manager negotiate with the developer and his attorneys and determine if there is anything to bring back to the Council.

Town Manager Alex Rey requested to have the discretion to have the Town Attorney attend the meetings. Councilmember Robert Meador clarified that discussion would be with the Town Manager and that there would be no discussion between the Town attorneys and the property owners' attorneys. Town Attorney Nina Boniske explained that if the property owners' were meeting for rezoning all legal fees would be covered under cost recovery. The Town Attorney suggested that the issue of rezoning could be addressed in the meeting.

Councilmember Meador expressed that the Town Manager should meet with the property owners not the attorneys. He stated that the Town Attorney could advise on the agreements.

Vice Mayor Mary Collins expressed support for having the Town Attorney present at the meeting with the property owner. Mayor Wayne Slaton expressed support for the Town Managers suggestion. Councilmember Pizzi also expressed support.

The Mayor called for a vote and all were in favor.

Councilman Alonso exited the meeting at 10:10 PM.

B. Annexation (Pizzi)

At the request of Councilman Pizzi, Town Manager Alex Rey requested that Town Planner, Maria Crowley present a map of the Town. Mr. Rey outlined the areas around the town boundaries that might be available for annexation.

Councilmember Michael Pizzi expressed that the Town Manager and Council should consider and research all parcels of land available for annexation. He made a motion to have the Town Manager explore adjacent areas available for annexation and report back to the Council. There was a second from Vice Mayor Collins.

Mayor Wayne Slaton spoke in opposition to the motion. Mayor Slaton noted that to have the Town Manager research the areas would incur an expense and would be a time consuming effort. He stated that there is currently a moratorium on annexations and incorporations.

Councilmember Richard Pulido asked for a review of the area available for annexation and for confirmation that there is a moratorium.

Councilmember Michael Pizzi requested that the report include the pros and cons of annexation as well as revenues versus expenditures.

Dr. Pedro Carballo stated that the Town missed the opportunity to annex the area to the west and expressed support for further research.

The Mayor called for a vote. The motion failed with Councilmembers Pizzi and Collins voting in the affirmative and Councilmembers Pulido, Meador and Mayor Slaton voting in the negative.

C. Hurricane Relief Act (Pizzi) Deferred

D. Speeding in Residential Neighborhoods (Pulido)

Councilmember Richard Pulido read the memo he submitted for the agenda into the record. He stated that the memo is his motion. It was seconded by Vice Mayor Mary Collins.

Town Manager Alex Rey presented the Kimley Horn package for Traffic Calming Alternatives. He discussed traffic calming devices, specifically speed tables. He gave preliminary estimates for the cost as well as the potential areas the speed tables could be implemented. He clarified that traffic calming devices would require county approval.

Councilmember Pulido clarified that the motion is to have the Town Manager and staff develop a plan of action to eradicate the concern of speeding in residential neighborhoods.

Mayor Wayne Slaton suggested that the Town Manager bring back a specific proposal.

Councilmember Robert Meador stated that this issue had originally been brought to the Council by Peter Thomson. He explained that the Council had previously decided not to implement traffic calming devices as they would slow down emergency response time. Councilmember Meador suggested the implementation of temporary speed bumps for testing.

It was determined that no motion and vote were necessary but, there was a unanimous consensus to move forward.

15. ADJOURNMENT: The meeting was adjourned at 10:59 pm.

Approved this ____ day of _____, 2007.

Wayne Slaton, Mayor

Attest:

Debra Eastman, MMC
Town Clerk